

SDMS Document



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Sarah Flanagan
Assistant Regional Counsel
U.S. Environmental Protection Agency
290 Broadway - 17th Floor
New York, New York 10007-1866

Re: Extension of Time for Response to Notice of Potential Liability for Response Actions in
the Lower Passaic River Study Area, New Jersey

Dear Ms. Flanagan:

This letter is submitted on behalf of the General Electric Company ("GE") as successor to RCA Corporation in response to the General Notice letter sent by the United States Environmental Protection Agency Region 2 (EPA) regarding the Passaic River Study Area, received by GE on September 15, 2006. In accordance with our discussion on October 5, 2006, EPA has agreed to extend GE's time to inform the Agency whether it will agree to fund the ongoing river study as a cooperating party until December 15, 2006. GE appreciates EPA's approval of our request for extension.

As we discussed, since receiving EPA's notice letter, GE has taken a variety of steps to better understand the alleged connection between RCA and the work it has been requested to fund, and has been in communication with representatives of the cooperating parties PRP Group as part of that effort. Based on this initial effort GE believes an extension is appropriate for multiple reasons, including:

- The Passaic River Study Area site appears unique in its size and complexity, involving issues resulting from the historic development and industrialization of lower Passaic river watershed for well over 100 years;
- RCA's connection to the site appears limited at best, particularly in comparison to impacts to the river as a result of direct industrial and sanitary discharges, bulkheading, wetlands filling, and some 200 years of urban development and runoff generally.
- Notwithstanding RCA's tenuous connection to the river, the commitment EPA is requesting GE to make is substantial; costs of the study alone have been estimated to exceed \$50 million dollars, and even a small percentage allocation for such a large and growing study is a very large dollar amount.
- GE has been asked to make this very large financial commitment based upon very little information (in fact, no information has yet been provided concerning one of the two former RCA facilities identified in the notice letter).

- GE's search for additional information is complicated by the fact that the RCA facility for which information is available closed and was sold over 30 years ago.
- Based on information obtained to date the study of the Lower Passaic River has been ongoing since at least the 1990s and is expected to continue for several more years, so this extension does not prejudice the Agency.

In summary, more time is needed to investigate and evaluate this matter and GE therefore appreciates the Agency's agreement to extend the time for response to the general notice until December 15, 2006. In seeking this request, GE is not waiving any rights or remedies GE may have with respect to the General Notice letter or related EPA activities.

Should you have any questions in the meantime please feel free to contact me.

Regards,



Roger Florio
Counsel - Environmental Matters

cc Emily Won, Esq., Lower Passaic Cooperating Parties Group (via email)
Lance Hauer, GE (via email)